

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Eiji KAWAI) Group Art Unit: 3629
Application No.: 09/981,696) Examiner: Jonathan P. OUELLETTE
Filed: October 16, 2001) Confirmation No.: 7316
For: ELECTRONIC GUIDE)
INFORMATION PROCESSING)
SYSTEM, INFORMATION)
DISTRIBUTING APPARATUS,)
PORTABLE TERMINAL)
APPARATUS, AND METHOD)
FOR PROCESSING)
ELECTRONIC GUIDE)
INFORMATION)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Pursuant to 37 C.F.R. § 41.41 and in reply to the Examiner's Answer mailed November 13, 2008, the period for response extending through January 13, 2009, Appellant submits this Reply Brief to address the "Response to Argument" section of the Examiner's Answer. A Request for Oral Hearing is concurrently filed herewith.

The Examiner maintained the rejection of claims 1-5, 8-14, 19-21, 24-32, and 35-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,587,835 to Treyz et al. ("Treyz") in view of U.S. Patent No. 6,401,085 to Gershman et al. ("Gershman").

Independent claim 1 recites an electronic guide information processing system comprising, among other things, “an information processing apparatus . . . erasing the electronic guide information from the portable terminal apparatus at the exit and writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit.” (Emphases added.)

As claimed, both “erasing” and “writing” occur “at the exit,” that is, at the same location.

Treyz discloses, “[m]essages may be distributed . . . by sending messages to all handheld computing devices that are in local RF wireless communications with the local wireless transmitter/receivers in the mall.” *Treyz*, col. 40, ll. 22-25. The Examiner argues that “*Treyz* does disclose shopping assistance link [is] deleted . . . once user [is] out of range or has exited the facility.” Examiner's Answer at 12. Therefore, in *Treyz*, information sending occurs inside the mall and in range of the wireless network, whereas information deleting occurs outside the mall and out of range of the wireless network. Accordingly, in *Treyz*, information sending and information deleting occur at different locations, contrary to claim 1. *Treyz* thus fails to teach or suggest the “information processing apparatus” of claim 1.

Gershman fails to cure the deficiencies of *Treyz*. Accordingly, *Treyz* and *Gershman* fail to establish a *prima facie* case of obviousness with respect to claim 1. Independent claims 5, 19, 28, and 32, although different in scope from claim 1, distinguish over *Treyz* and *Gershman* for at least the same reasons as claim 1. Dependent claims 2-4, 8-14, 20, 21, 24-27, 29-31, and 35-45 are allowable at least due to their dependence from allowable base claims.

Next, the Examiner states, "the Examiner believes the system/method described by Treyz to be an advancement to that described by the instant invention." Examiner's Answer at 13. Appellant respectfully submits that whether the disclosure of *Treyz* is more or less advanced than the present claims is of no consequence to the patentability of Appellant's claims.

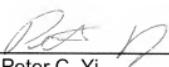
For at least the reasons given above and reasons provided in the Appeal Brief, Appellant respectfully requests that the Board reverse the rejection of claims 1-5, 8-14, 19-21, 24-32, and 35-45 under 35 U.S.C. § 103(a) as being unpatentable over *Treyz* in view of *Gershman*.

Please charge any required fees not enclosed herewith to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 8, 2009

By: 
Peter C. Yi
Reg. No. 61,790
202.408.4485